

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FG HEMISPHERE ASSOCIATES LLC,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. H-02-4261
	§	
THE REPUBLIQUE DU CONGO,	§	
	§	
Defendant.	§	


MEMORANDUM AND ORDER

This suit arises from a debt owed by Defendant République du Congo ("Congo") to Plaintiff FG Hemisphere Associates, LLC ("FG"). On July 24, 2002, FG obtained a default judgment on the debt in the United States District Court for the Southern District of New York. On September 5, 2002, that court issued a general order pursuant to section 1610(c) of the Foreign Sovereign Immunities Act ("FSIA"), permitting FG to execute the judgment against any asserts, properties, or revenues of the Congo. FG then filed this garnishment suit in Texas state court, and the garnishees removed to federal court on November 14, 2002. This Court granted FG's application for writs of garnishment on December 23, 2004. The garnishees now move to dismiss the suit.

On January 3, 2005, the garnishees filed a notice of appeal to the Fifth Circuit. That appeal, in which the garnishees request that the garnishment order be vacated, is still pending. Therefore, the motion to dismiss that is pending in this Court is not ripe for adjudication. For this reason, the motion, Docket No. 162, is **DISMISSED WITHOUT PREJUDICE**. Upon resolution of their appeal, the garnishees may, at their discretion, refile the motion.

IT IS SO ORDERED.

SIGNED THIS 13TH DAY OF SEPTEMBER, 2005.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

Keith P. Ellison
United States District Judge

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS
ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY
AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN
SENT ONE BY THE COURT.**